

Notice of Allowability

Application No.

09/992,095

Applicant(s)

BEJANIN ET AL.

Examiner

Sheridan L. Swope

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to April 15, 2005.
2. ☒ The allowed claim(s) is/are 30,31,34,36 and 53-59.
3. ☒ The drawings filed on 13 November 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/000,489.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 0405
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Applicant's response, on April 15, 2005, to the First Action on the Merits of this case mailed November 17, 2004, is acknowledged. It is acknowledged that applicants have cancelled Claims 32, 33, and 35, amended Claims 30, 31, 34, and 36, and added Claims 53-59. Claims 30, 31, 34, 36, and 53-59 are pending. Claims 53-59 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected invention, there being no allowable generic or linking claim. Claims 30, 31, 34, and 36 are hereby reconsidered.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Specification

For page 1, lines 1-2, replace –The present application claims priority from U.S. Patent Application Serial No. 09/924,340, filed August 6, 2001– with –The present application claims priority, as a divisional application, from U.S. Patent Application Serial No. 09/924,340, filed August 6, 2001–.

For page 7, line 6, of the specification, replace –Sequences are presented in the accompanying Sequence Listing.– with – GENSET polypeptide and polynucleotide sequences are presented in the accompanying Sequence Listing as SEQ ID NO: 1-112.–.

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Claims

For Claim 30, line 2, Claim 55, line 2, Claim 56, line 2, and Claim 59, line 2, replace – comprising– with –consisting of–.

For Claim 31, line 1, replace –A Plasminute protease– with – An isolated Plasminute protease–.

Rejoinder

Claims 30, 31, 34, and 36 are directed to an allowable product. Pursuant to the procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86), Claims 53-59, directed to the process of making or using the patentable product, previously withdrawn from consideration as a result of a restriction requirement, are now subject to being rejoined. Process Claims 53-59 are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Authorization for this examiner's amendment was given in a telephone interview with Frank C. Eisenschenk on May 13, 2005.

Allowable Subject Matter

Claims 30, 31, 34, 36, and 53-59 are allowed.

The following is an examiner's statement of reasons for allowance:

All elected Claims, 30, 31, 34, 36, and 53-59, are limited to the isolated polypeptide of SEQ ID NO: 54 and methods of digesting a protein using said polypeptide. The prior art does not anticipate or render obvious the polypeptide of SEQ ID NO: 54. The utility of the polypeptide set forth by SEQ ID NO: 54 as a protease with the activity of plasmin is credible based on the following. The polypeptide of SEQ ID NO: 54 consists of residues 585-791 of

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plasminogen (Petersen et al, 1990; IDS). Inactive plasminogen is cleaved to the active polypeptide, plasmin, consisting of residues 562-791 of plasminogen and including the catalytic triad of His⁶⁰³, Asp⁶⁴⁶, and Ser⁷⁴¹ (Petersen et al, pg 6104, parag 2). Since SEQ ID NO: 54 is missing only 22 residues from the N-terminus of plasmin and comprises the catalytic triad, a person of ordinary skill in the art would believe that it is more likely than not that the polypeptide set forth by SEQ ID NO: 54 has the same activity as plasmin. It is known in the art that plasmin digests the insoluble fibrin clot into soluble fragments during tissue repair and recanalization (Petersen et al, pg 6104, parag 1).

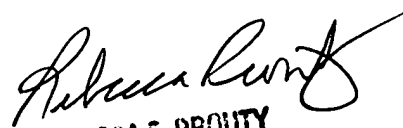
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheridan L. Swope whose telephone number is 571-272-0943. The examiner can normally be reached on M-F; 9:30-7 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

Sheridan Lee Swope, Ph.D.


REBECCA E. PROUTY
PRIMARY EXAMINER
GROUP 1800
1600